

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-10389-RWZ

PATRICK GANNON

v.

MEDTRONIC, INC.

ORDER

November 6, 2017

ZOBEL, S.D.J.

Pursuant to Federal Rule of Evidence 201, I take judicial notice of the October 16, 2017, decision of the United States District Court of Minnesota in related proceedings between the same parties as in the above-captioned matter. Docket # 26-1 (Case no. 17-cv-00943). Because the Minnesota decision is dispositive of the issues in this case, defendant's motion to dismiss (Docket # 10) is ALLOWED. See Claudio-De Leon v. Sistema Universitario Ana G. Mendez, 775 F.3d 41, 46 (1st Cir. 2014) (treating a motion to dismiss based on a forum selection clause as a motion alleging the failure to state a claim for which relief can be granted under Rule 12(b)(6)).

Judgment may be entered dismissing this action without prejudice.

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November 6, 2017

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/s/Rya W. Zobel

DATE

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE